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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,131	12/15/1998	ERIC C. ANDERSON	736CP126C	7384
29141	7590	07/12/2004	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			GENCO, BRIAN C	
		ART UNIT		PAPER NUMBER
		2615		10
DATE MAILED: 07/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/213,131	ANDERSON, ERIC C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian C Genco	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 7-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 7-22 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. ____ .   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____ .                                   |

Applicant's amendment filed April 29, 2004 has overcome the grounds of rejection previously presented. As such, Applicant's arguments are moot and new grounds of rejection are presented below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 6,441,854 B2 to Fellegara et al) in view of (USPN 5,270,831 to Parulski et al.).

In regards to claim 7 Fellegara et al, herein Fellegara, discloses in Figs. 12 and 13A-D, a camera which determines "if the aspect ratio of the image matches a predetermined aspect ratio," wherein, "In the film image capture mode, where the digital image will only be utilized for display on the main screen display unit 36 ... a film mode image of a lower resolution is prepared by electronically cropping and interpolating the full resolution digital image to respectively correspond to the resolution of the main

screen display unit 36 and to the aspect ratio of the photographic film images, and is stored in the base camera memory 126 (column 11, lines 24-32, Fellegara).” Fellegara also discloses the ability to change the aspect ratio to any given pre-stored aspect ratio as shown in Figs. 11, 12, and 13A-D (column 15, line 50 – column 16, line 13), wherein a user determines if the aspect ratio is in a desired predetermined aspect ratio and further crops the full available digital image to provide the image of correct predetermined aspect ratio. Note that Fellegara discloses compressing the digital images prior to storing them, whereby when displaying images that were previously stored it is inherent that the camera would decompress the previously compressed digital images (compressing the images, column 13, lines 43-45; reviewing the images, column 14, line 61 – column 14, line 19; Fellegara).

Fellegara does not disclose nor preclude rotating the image, if required, so that the image appears upright on the image capture device. Parulski discloses generating an orientation field in an image header file (column 6, lines 1-12; Figs. 2 and 3) wherein when the image is being displayed it is rotated so the image appears upright (column 8, lines 29-68; Fig. 6). Therefore it would have been obvious to one of ordinary skill in the art to have included an orientation filed in the image data so as to enable the rotation of images so that they appear upright.

In regards to claim 8 see examiners notes on the rejection of claim 7. Note Figs. 13A-D, wherein Fig. 13A is the captured base image and Figs. 13B-D show how the image is resized. Also note Fig. 7 of Parulski wherein the image is copied and resized.

In regards to claim 9 see examiners notes on the rejection of claim 7. Note column 11, lines 24-32 of Fellegara.

In regards to claim 10 Fellegara discloses his/her camera can be a digital camera, a hybrid camera, or a film camera (column 4, lines 53-59, Fellegara).

In regards to claim 11 Fellegara discloses an LCD screen as shown in Fig. 5.

In regards to claim 12 see Figs. 11, 12, 14, and 16.

In regards to claim 13 see examiners notes on the rejection of claim 12. Fellegara discloses, “If desired, the icon group 200 can be generated as transparent icons that can be laid over the displayed digital image, so that the size of the image display area 202 can be expanded and the camera operator can see the displayed digital image through the display icons (column 15, lines 3-7, Fellegara),” or “updating the screenail image with a higher resolution image.”

In regards to claim 14 see examiners notes on the rejection of claims 7-13. Note that as discussed in the rejection of claim 13 the icon group 200 is overlaid the “higher resolution image” wherein the steps of “determining if the higher resolution image requires cropping” and “cropping the higher resolution image” are preformed in an identical manner as preformed with the screenail (see rejection of claim 7). Namely when the “higher resolution image” is displayed on the main display screen, since the icon group 200 is overlaid thereupon the “higher resolution image” all of the options available to the user when viewing the screenail are available when viewing the “higher resolution image.” Namely the user has the same options of changing the aspect ratio as discussed in the rejection of claim 7.

In regards to claims 15-22 see the rejection of the method claims 7-14.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco  
Examiner  
Art Unit 2615

June 21, 2004



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600